



## TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER  
John J. Specia, Jr.

### A Review of Department of Family and Protective Services Involvement Child Fatality

On July 30, 2015, Beautiful Rodriguez died due to inflicted, abuse-related injuries. Beautiful, who was born on July 25, 2013, had been residing with her mother, father, six siblings, and paternal grandparents. CPS has a history of involvement with Beautiful 's family.

The Office of Child Safety (OCS) completed a review of all current and past CPS investigations concerning both families. This report presents the Office of Child Safety's findings, summary of CPS investigations, assessment of strengths in casework practice, and areas for improvement. This report describes the timeline and actions taken by CPS as well as issues found during the review of CPS' involvement with Beautiful Rodriguez's family and the death of Beautiful that merits further examination.

#### Family Composition

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Region 8 - Bexar County

Name or Relationship to Beautiful	Age at time of incident
Beautiful Rodriguez	2
Sibling	11 months
Sibling	3
Sibling	5
Sibling	7
Sibling	10
Sibling	11
Mother	26
Father to the youngest five children	39
Paternal Grandmother	57
Paternal Grandfather	61

## Summary of CPS History on Family of Beautiful Rodriguez

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- On November 7, 2007, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision and physical neglect.
  - On January 18, 2008, the investigation was completed and case referred to Family Based Safety Services (FBSS).
- On May 27, 2008, CPS received a report regarding Beautiful's family while FBSS services were being provided. The allegations were of neglectful supervision.
  - On July 1, 2008, the investigation was completed and FBSS case continued.
  - On July 30, 2008, the FBSS case was closed.
- On December 18, 2009, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision and physical abuse.
  - On January 8, 2010, the investigation was completed and case referred to FBSS.
  - On December 6, 2010, the FBSS case was closed.
- On April 5, 2011, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision and physical abuse. The investigation was closed without investigation on April 22, 2011.
- On August 3, 2011, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision and physical neglect.
- On August 9, 2011, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision. The report was merged with the previous report for investigation.
- On September 19, 2011, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision. The report was merged with the previous report and all three reports were investigated.
  - On November 18, 2011, the investigation regarding the three reports was completed and case referred to FBSS.
- On March 8, 2012, CPS received a report regarding Beautiful's family. The allegations were of physical abuse and neglectful supervision. The investigation was closed without investigation.
- On March 12, 2012, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision. The investigation was closed without investigation and the FBSS stage remained open.
- On March 12, 2012, CPS obtained Temporary Managing Conservatorship (TMC) of the children.
  - On April 4, 2012, the FBSS stage was closed, as the children were in state custody and ongoing services were provided through conservatorship.
- On March 15, 2012, CPS received a report regarding Beautiful's family. The allegations were of sexual abuse. The investigation was closed on May 25, 2012.
  - On October 25, 2012, the children were returned home and the Family Reunification case began.
- On July 25, 2013, Beautiful was born.
  - On July 26, 2013, the family reunification case was closed.
- On November 30, 2013, CPS received a report regarding Beautiful's family. The allegations were of physical abuse. The allegations were investigated.
- On December 20, 2013, CPS received a report regarding Beautiful's family. The allegations were of neglectful supervision and physical neglect. The report was closed without investigation.
  - On February 11, 2014, CPS obtained temporary managing conservatorship of the children.

- The investigation from November 30, 2013 was closed on March 2, 2014.
- On August 20, 2014, Beautiful's younger sibling was born.
- On August 25, 2014, CPS received a report regarding the newborn's birth. The allegations were of neglectful supervision. The investigation was closed on November 4, 2014.
  - On January 27, 2015, three children were returned home while three children (including Beautiful) remained in foster care.
  - On April 1, 2015, two more children returned home while Beautiful remained in foster care.
  - On June 23, 2015, Beautiful was returned home.
- On July 30, 2015, CPS received a report regarding Beautiful's death.

### **Detailed Account of CPS History on Family of Beautiful Rodriguez**

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On **November 7, 2007**, CPS received a report regarding Beautiful's family. Allegations included concerns of neglectful supervision and physical neglect (Beautiful was not yet born). Concerns stated that the mother and her boyfriend use drugs and leave the children unattended while using illicit substances.

The allegations were determined to be reason to believe for neglectful supervision and ruled out for physical neglect. Both mother and her boyfriend tested positive for marijuana. During the investigation, the mother gave birth to her third child on **December 27, 2008**, and tested positive for marijuana. She admitted to smoking marijuana a week prior. The boyfriend (and father to the newborn child) admitted to a recent arrest for possession of a controlled substance. Based on identified concerns, the investigation was completed and the case transferred to Family Based Safety Services (FBSS) on **January 18, 2008**.

The FBSS case was ultimately closed on **July 30, 2008**. It was cited that risk was reduced, the parents completed parenting classes, and a combination of five negative drug tests were completed.

#### **OCS Assessment:**

- The investigation has been purged from the CPS database and further information could not be obtained regarding details of the case.

On **May 27, 2008**, during the FBSS case, CPS received a report regarding Beautiful's family. Allegations included concerns of neglectful supervision (Beautiful was not yet born). Concerns stated that the older children (ages three and four at the time of the report) had been residing with the maternal grandmother per agreement with CPS and that during a visit by staff, the children were found without adult supervision. An hour transpired before the maternal grandmother and a family friend were found in the home. Both stated they had been in the home the entire time.

The allegations were determined to be reason to believe for the neglectful supervision of the two children by both the maternal grandmother and friend. Although staff were present with the children for an hour without either adult checking on them, the grandmother claimed she was home the entire time and did not hear the knock on the door because she had taken medication and fallen asleep. The family friend also stated she was home.

#### **OCS Assessment:**

- The children were not seen timely. They were ultimately seen on June 19, 2008. The oldest child was interviewed on that date, almost a month after the incident occurred.
- Although there was concern for a lack of supervision by the maternal grandmother, on June 12, 2008, the mother contacted staff seeking approval for her mother to watch the children. Staff approved the request.
- The grandmother's son also lived in the home during the investigation but was not interviewed.

On **December 18, 2009**, CPS received a report regarding Beautiful's family. Allegations included concerns of neglectful supervision and physical abuse. The report stated that the mother gave birth to a newborn and tested positive for marijuana at the time of the child's birth (Beautiful was not yet born).

The allegations were listed as unable to determine for the physical abuse of the newborn child and reason to believe for the neglectful supervision of the remaining children. The mother admitted to riding with friends in a vehicle who were "hot boxing" marijuana while she was pregnant, however staff documented that the child did not test positive for marijuana at birth, so therefore the effects to the child were unknown. (Hot boxing is a slang term used to describe smoking marijuana in a small, enclosed space to maximize inhalation of smoke either by the smoker or others present.) The mother stated that she did not want the father of the younger children involved, as he was a drug addict that she did not want around her children. The mother agreed to work services through FBSS and a safety plan was signed that the maternal grandmother would provide supervision between the mother and four children at all times. On **January 8, 2010**, the FBSS case was opened.

The mother did not engage in many services. While she completed parenting classes, she did not complete an outpatient drug treatment program. A motion to participate affidavit was prepared, however, was not approved to be submitted to the court due to insufficient evidence. The case was ultimately closed on December 6, 2010, due to family refused services and legal intervention impossible.

**OCS Assessment:**

- Although the newborn was seen within appropriate timeframes at the hospital, the remaining children were not seen until three days later, outside of appropriate timeframes for a Priority 1 case.
- Staff did not discuss with the mother where her older children were during the mother's marijuana use.
- Staff did not attempt to contact biological fathers of the children.
- There is no documented follow up with medical professionals regarding the newborn's drug test at birth or pediatrician appointments for any of the children.
- The grandmother was identified as the protective caregiver for the safety plan, although she was previously a perpetrator in the previous investigation.
- Staff may have benefited from discussing the case with the legal department prior to referring to FBSS, as it was the second time FBSS was being utilized by the family.
- Staff made attempts to visit the family every month, however, did not see them three months during the FBSS case.
- Staff drug tested the mother one time during the FBSS case and did not document the results.

- Staff did not contact service providers regarding the mother's progress and assess her ongoing need for services.

On **April 5, 2011**, CPS received a report regarding the family. Allegations included concerns of neglectful supervision and physical abuse. The report stated that the boyfriend of the mother would blow marijuana smoke in the face of the youngest child and that the mother was pregnant. The call was disconnected, therefore limited information regarding the family was received as part of the report.

The investigation was closed administratively without investigation after staff made an attempt to find the family's address and conducted online searches.

**OCS Assessment:**

- It may have been beneficial to request that Special Investigative staff assist in searching for the family prior to closure.

On **August 3, 2011**, CPS received a report regarding the family. Allegations included concerns of physical neglect and neglectful supervision. The report stated that the children cross a busy street to visit family and were unsupervised when this occurs. There were also concerns that the mother was pregnant and not seeking prenatal care and that she may have been using marijuana. The children were also noted to have a lice problem.

Staff made contact with the children and maternal grandmother at the home. The mother was not present.

On **August 9, 2011**, CPS received another report regarding the family. Allegations included concerns of neglectful supervision. The report stated that the mother gave birth to a newborn child and tested positive for benzodiazepines and opiates. The mother also admitted to recent heroin, Xanax, and Norco use.

Staff met with the mother and newborn child at the hospital. The child tested positive for cocaine, marijuana, opiates, and morphine. The child remained in the hospital for three weeks until ready for discharge and then was placed in the maternal grandmother's home as the mother's whereabouts were unknown.

On **September 19, 2011**, CPS received a report regarding the family. Allegations included concerns of neglectful supervision. The report stated that the children reside with their maternal grandmother because their mother is not supposed to have contact with them. The report indicated that despite this, the grandmother allowed the mother to have unsupervised contact with the children. The report also stated concerns that the mother may still be using drugs.

The two oldest children were interviewed at their school and one child admitted to spending unsupervised time with the mother. Staff continued to have no contact from the mother until October 4, 2011. On October 7, 2011, the mother signed a Parental Child Safety Placement (PSCP) allowing all children to remain with the grandmother. The case was staffed with the assistant district attorney who denied a petition for removal of the children. The investigation was closed and transferred to Family Based Safety Services on **November 18, 2011**.

The children remained placed with their maternal grandmother while the mother resided outside of the home. Neither the mother nor the children's fathers initiated services during the FBSS case.

On **March 8, 2012**, CPS received a report regarding the family. Allegations were of physical abuse and neglectful supervision. Concerns stated that the children were supposed to be residing with their maternal grandmother, but that they have been in the home of an aunt. The report further stated that the mother and aunt both have history of cocaine use. It was also reported that the home was raided two months prior for distribution of cocaine.

Investigative staff contacted FBSS staff regarding the new report. The report was closed without investigation and concerns would be addressed in the open FBSS stage.

On **March 9, 2012**, during an unannounced visit, staff discovered an unapproved aunt caring for the children. The aunt admitted that she knew she should not care for the children without staff's approval based on her own CPS and criminal history.

On **March 12, 2012**, CPS received a report regarding the family. Allegations were of neglectful supervision. Concerns stated that the children were residing in a home recently raided for cocaine under the care of an aunt whose own children had been removed due to possession of cocaine.

Investigative staff contacted FBSS staff regarding the new report. The report was closed without investigation.

On **March 12, 2012**, CPS obtained Temporary Managing Conservatorship of all five children. They were placed in a foster home until March 21, 2014, when it was approved that they could reside with the paternal grandparents of the youngest children.

On **March 15, 2012**, CPS received a report regarding the family. Allegations were of sexual abuse to the oldest two children. The report stated that the children were recently removed and there were concerns that two of the children were previously sexually abused by adult family members when they were residing with their aunt.

The allegations were determined to be ruled out after interviewing the children and alleged perpetrators. It appears the case was originally assigned to a caseworker then reassigned at a later point. At the close of the investigation, the children were residing in a foster home.

Minimal documentation was maintained during the legal conservatorship case. It is uncertain what services were completed in order for the children to be returned to the parents due to the lack of documentation. The children's placements changed several times until they were returned to their mother and the father of the three oldest children on **October 25, 2012**.

The family was last seen on **April 2, 2013**. Beautiful was born on **July 25, 2013**. The family reunification stage remained open for almost three months without contact with the family by staff. The stage was closed the day after Beautiful's birth, on **July 26, 2013**.

**OCS Assessment:**

- Staff did not make timely follow up visits to meet the mother and speak with the children after the initial report was received.
- Staff met with the mother at the birth of the newborn, however, did not discuss a plan for services with her at that time. Once the child was ready for discharge, the newborn was placed with the maternal grandmother without appropriate paperwork which needed to

be signed by the parents. The other four children also remained with the grandmother without necessary paperwork.

- Staff did not attempt timely follow up visits with the family after receiving the third report.
- Staff met with the oldest children to interview them regarding the third report, one of which confirmed there was unsupervised access with the mother, however, staff did not address the concerns with the grandmother until a week and a half later.
- Staff did not attempt to involve all biological fathers of the children.
- The case was ultimately transferred to FBSS three months after the initial reports were received. It is uncertain why staff did not transfer the case sooner or attempt the removal of the children in a more timely fashion after the newborn child was born positive for multiple illegal substances. This was the third attempt to offer FBSS services.
- It was notated during the FBSS case that there was no PCSP paperwork signed during the investigation stage, even though the PCSP was implemented during the investigation.
- During the case reported on March 12, 2015, the children were not interviewed until May 21, 2012.
- The conservatorship case was open from March 12, 2012, until July 23, 2013, with very minimal documentation. It is uncertain what services were completed by the family.
- There is no documentation to indicate that drug tests were administered to the parents.
- The family was seen for several months during the family reunification case, however, staff did not contact medical professionals to verify positive reports on the family.

On **November 30, 2013**, CPS received a report regarding the family. The allegations were initially of physical abuse, with allegations of medical neglect and physical neglect to the children later added. The report stated that the paternal grandmother was boiling broth and bones for the family dogs then placed the bowl outside when one of the children fell into the bowl and sustained second degree burns to the buttocks and legs.

The allegations were determined to be reason to believe for medical neglect, reason to believe for physical neglect of all the children, and ruled out for physical abuse. It was confirmed that one child was burned by boiling broth and admitted to the hospital for several days due to the injuries. Based on history, staff drug tested the parents. Both tested negative. Concerns were expressed because the parents were not consistently visiting the child when the child was admitted to the hospital for several days. At a follow up visit for the burn injuries, the child again was admitted after it was discovered the child lost several pounds in a ten-day period. During the investigation, concerns were expressed that the parents were missing follow up visits to the medical center. The case was open for a couple of months with continued work by staff to assist the family with their needs. Staff assisted by transporting the family to medical appointments, obtained food from the food pantry for the family, and hospital staff also provided the family with a money card for food. Staff expressed concerns regarding home conditions. A Family Team Meeting was held and the children were placed in a Parental Child Safety Placement with the paternal grandmother. The grandmother was unable to keep the children long term and CPS ultimately sought Temporary Managing Conservatorship (TMC) of the children.

On **December 20, 2013**, CPS received a report regarding the family. The allegations were of physical neglect and neglectful supervision. The report stated that one of the children sustained burns to approximately 9% of the child's body while at a family event and was hospitalized due to the burn. The child had a follow up visit and was reported to have lost nine pounds in eleven

days and was hospitalized to determine the reason for the weight loss. The report was closed without investigation, as it was cited that the concerns were addressed in the previously open investigation.

On **February 11, 2014**, CPS obtained TMC of all six children. While in care, the three older children participated in therapy. One child received speech and occupational therapy. The next child, who had previously been burned, was assessed for hearing loss and was stated to have disruptive behaviors. Beautiful received occupational and physical therapy. The services identified for both the mother and father included random drug screens, a psycho-social assessment to include following recommendations from the assessment, parenting classes, maintaining housing free of hazards, and maintaining employment to provide for the children.

In **May 2014**, it was documented that the permanency goal was termination with non-relative adoption, as the parents were not in compliance with services and had attended only one visit in March 2014. The parents also appeared to lack concern for the children or ask about the children's progress.

On **August 25, 2014**, CPS received a report regarding the family. Allegations were of neglectful supervision. The report stated that the mother gave birth to a newborn child. The mother and child's drug screens were negative. The mother admitted to using hydrocodone and Xanax for pain that had not been prescribed to her. It was reported that the mother has six other children in foster care.

The allegations were listed as unable to determine. Although the mother admitted to using pills not prescribed to her, she tested negative on a drug screening. It was determined after discussions with conservatorship staff that the newborn would remain in the custody of the parents under a safety plan stating that all contact between the newborn and parents would be supervised by the paternal grandparents.

After the birth of the newborn, in **August 2014**, it was documented that the parents were willing to work services and the permanency goal was reunification.

On **September 17, 2014**, the mother reported to have completed her parenting class. There is no indication that the service provider was contacted to verify the completion.

There is no documentation to support that either parent completed all of the recommended services prior to the children being returned to them. On **November 18, 2014**, the mother started substance abuse treatment and the father had a referral for substance abuse treatment. There is no documentation to indicate when the service was completed. On **January 12, 2015**, it is documented that the mother attended an individual therapy session.

On **January 26, 2015**, the three oldest children were returned to the parents.

On **February 2, 2015**, it was documented that the mother was graduating from one of her services--an education support service for families in early recovery. It was also documented that she was continuing to attend for substance abuse treatment.

On **March 17, 2015**, the mother expressed that she was a little frustrated with not being able to live at her brother's home due to needed repairs. She stated that she is no longer working due

to the need to care for the youngest child. The father also reported that he was in between jobs but trying to get the house fixed so that the family could move in.

On **April 1, 2015**, the next two children were returned to the parents. Also during April 2015, it was documented that Beautiful started unsupervised visits with her parents and would begin overnight visits to be permanently placed back in the home by the second week of June.

On **June 5, 2015**, staff met with the family and the mother reported that she was ready to have all seven children back in her home. She stated she would be able to handle all of the children and do her best to provide for their needs. She also reported that she was employed. The parents also were hoping to save enough money to move into their own residence.

On **June 23, 2015**, Beautiful was returned to her parents.

On **July 24, 2015**, staff contacted the parents via telephone. It was reported that Beautiful had lost some weight but was eating. The mother also reported that Beautiful had not been to the doctor.

On **July 29, 2015**, the paternal grandmother contacted staff with a request to talk to the mother about moving out of the home because it would be best for the family. It was also reported that the mother was pregnant. Staff informed the grandmother that a visit would be held to speak with the family on July 30<sup>th</sup> or July 31<sup>st</sup>.

On **July 30, 2015**, CPS received multiple reports regarding Beautiful's death.

**OCS Assessment:**

- Investigative staff worked with the family and several medical and service providers in an attempt to assist the family together as a unit without removal of the children.
- Staff minimally documented the progress in services made by the parents during the legal conservatorship case. Staff did not contact service providers regarding the parent's progress.
- Staff minimally contacted service providers regarding the children's progress in services.
- It was recommended that the parents complete psycho-social assessments, however, it does not appear that this occurred.
- There is mention that the mother attended one therapy session. There is no indication this service was completed.
- There was never an evaluation of the Family Service Plan.
- Staff documented on November 4, 2014, that the parents continued to reside with the paternal grandmother and that the grandmother did not seem to be a very good support for them.
- Minimal drug screens were provided to the parents during the legal case.
- There is no documentation of a Permanency Conference or a Family Group Conference to monitor the progress of the parents.
- There were previous concerns due to lack of medical attention sought by the parents which resulted in the removal of the children, yet it does not appear staff requested medical records for the newborn child who was allowed to remain with the parents.
- There is no documentation to indicate staff visited the home after Beautiful was returned to her parents on June 23, 2015. CPS Policy 6413.2 Maintaining Contact with Families When Children Are Returned Home states the reunification worker visits the child no later than 48 hours after the child returns home.

## Overall Case Review Findings and Recommendations

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Child Protective Services first became involved with the family in 2007. Throughout the family's history with CPS, the family appears to have struggled with various abuse and neglect concerns, including substance abuse, neglectful supervision, and both physical and medical neglect. In total, CPS staff worked with the family during three different Family Based Safety Services cases and two legal conservatorship cases. Beautiful was removed from her parents at six and a half months of age, then returned just before her second birthday. Staff appropriately decided to return the children, staggering the return home over half of a year to ensure a successful reunification. Staff may have been able to utilize the Family Group Decision Model to assist the parents in creating a stronger support base. There are also overall concerns regarding the effectiveness of the services worked by the parents, as well as the question as to whether the parents were in need of additional services that were initially recommended but not completed prior to the return of the children.

During the review of a child fatality, certain areas of improvement may be identified, including individual training needs, statewide trainings, policy revisions, updates to best practice guidance, and/or revisions to state statutes.

The Office of Child Safety recommends evaluating the following:

- Current policy and protocol address several key factors in supporting child safety when a child is in DFPS conservatorship and reunification is the planned permanency goal. This includes contacting service providers to assess the parent's progress in services as well as assessing the parent's demonstration of skills learned during services both prior to and during the return home.
- Program should explore if concerns noted are an isolated event or if staff would benefit from additional guidance when family reunification is occurring. Issues of particular note are:
  - All children are to be visited after returning home.
  - Staff need to contact service providers regarding the parent's progress and assess for safety both prior to and during reunification.
  - Evaluate the services initially recommended to the court prior to returning children home and the parent's demonstration of the learned skills prior to reunification. A Permanency Conference or Family Group Conference can assist staff in determining if the parents can articulate the skills learned from the service, if the service is still needed, or if there are other issues that must be addressed prior to reunification.